

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1012]

**Expansion of Foreign-Trade Zone 92
Harrison, Jackson and Hancock
Counties, MS**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Greater Gulfport Biloxi Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 92, submitted an application to the Board for authority to expand FTZ 92 (currently located at sites in Harrison County) to include nine new sites in Jackson and Hancock Counties, Mississippi, within the Pascagoula and Gulfport Customs ports of entry (FTZ Docket 1-98; filed 1/6/98);

Whereas, notice inviting public comment was given in **Federal Register** (63 FR 2660, 1/16/98) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 92 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to the Board's standard 2,000-acre activation limit.

Signed at Washington, DC, this 5th day of January 1999.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-827]

**Certain Cased Pencils From the
People's Republic of China; Final
Results of Antidumping Duty
Administrative Review**

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On September 11, 1998, the Department of Commerce (the Department) published the preliminary results and partial rescission of administrative review of the antidumping duty order on certain cased pencils from the People's Republic of China (59 FR 66909 (December 28, 1994)), covering the period December 1, 1996, through November 30, 1997 (63 FR 48697). We gave interested parties an opportunity to comment on our preliminary results. We received one comment from the petitioners, the Pencil Section of the Writing Instrument Manufacturers Association and its members (domestic producers of pencils). We received no comments from respondents or other interested parties. Based on our analysis of the comment received, there are no changes to these final results of review from the preliminary results of review, where we determined the existence of a country-wide dumping margin of 53.65 percent for this period of review (POR).

EFFECTIVE DATE: January 13, 1999.

FOR FURTHER INFORMATION CONTACT: Jack K. Dulberger or Wendy Frankel, Antidumping/Countervailing Duty Enforcement Group II, Office Four, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW Washington, DC 20230, telephone (202) 482-5505 and 482-5849, respectively.

SUPPLEMENTARY INFORMATION:**The Applicable Statute**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations set forth at 19 CFR part 351, 62 FR 27296 (May 19, 1997).

Period of Review

The POR is December 1, 1996 through November 30, 1997.

Scope of the Review

The products covered by this review are certain cased pencils of any shape or dimension which are writing and/or drawing instruments that feature cores of graphite or other materials encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (e.g., with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to this review are classified under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifically excluded from the scope of this order are mechanical pencils, cosmetic pencils, pens, non-case crayons (wax), pastels, charcoals, and chalks. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Background

The antidumping duty order on pencils from the People's Republic of China (PRC) was published on December 28, 1994 (59 FR 66909). On September 11, 1998, the Department published in the **Federal Register** the preliminary results of its review of this order for the POR December 1, 1996 through November 30, 1997, (see 63 FR 48697) (Preliminary Results). In the Preliminary Results, we rescinded the review as to the companies which reported that they had no shipments of subject merchandise during the POR (i.e., China First Pencil Company, Ltd. (China First) and Guangdong Provincial Stationery & Sporting Goods Import and Export Corporation (Guangdong)).

With respect to these companies, we confirmed, by conducting a data query of the U.S. Customs Service (Customs) database, (see Preliminary Results at 48698), that the only subject merchandise exported by the exporters China First and Guangdong, respectively, to the United States during the POR was merchandise excluded from the order (i.e., merchandise manufactured by the factories which received zero margins in the less-than-fair-value (LTFV) investigation).¹

¹ China First exports of merchandise produced by China First itself were originally excluded from this order. However, in litigation brought to challenge the *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cased Pencils from the People's Republic of China*, 59 FR 55625 (November 8, 1994), the Department issued a remand determination which was subsequently affirmed by

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